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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,915	02/27/2004	Dirk Erickson	16356.849 (DC-03102A)	8898
27683	7590	06/13/2006	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			PARK, ILWOO	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant No.

10/789,915

Applicant(s)

ERICKSON ET AL.

Examiner

Ilwoo Park

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/30/2006 has been entered.

2. Claims 1, 3-8, 11, and 13-18 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Takhara, US patent No. 6,253,114.

As to claims 1 and 11, Takhara teaches a system for accessing a computer-readable medium device, comprising:

a computing system including a computer-readable medium device [CD player module] and a computing device [PC module] for;

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from the computer-readable medium device receiving [col. 9, lines 1-13; col. 10, lines 14-17] a description of first and second features [PCM input data format and PCM output data format in col. 9, lines 58-67] of the computer-readable medium device, the first feature being other than an identification of the computer-readable medium device;

in response to the description, configuring [col. 10, lines 25-35] a program for managing access by the computing system to the computer-readable medium device, without relying on the identification of the computer-readable medium device; and

in response to instructions of the configured program, accessing [col. 14, lines 41-61] the computer-readable medium device, wherein the first feature includes at least one of write capabilities and digital audio extraction capabilities [PCM output data format; col. 1, lines 15-20; col. 1, lines 34-38] of the computer-readable medium.

5. As to claims 3 and 13, Takihara teaches to the computer-readable medium device is a compact disc [col. 6, lines 37-44].

6. Claims 1, 3-8, 11, and 13-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Iida et al., European patent publication No. EP 1 128 366 A2.

As to claims 1, 17, and 33, Iida et al. teach a system for accessing a computer-readable medium device, comprising:

a computing system including a computer-readable medium device [paragraph 0064] and a computing device [PC module] for;

from the computer-readable medium device receiving [e.g., paragraphs 0029, 0350; F102, F202 in figs. 49-50] a description [figs. 13-23] of first and second features

of the computer-readable medium device, the first feature being other than an identification of the computer-readable medium device;

in response to the description, configuring [paragraph 0029; F104, F113, F203 in figs. 49-50] a program for managing access by the computing system to the computer-readable medium device, without relying on the identification of the computer-readable medium device; and

in response to instructions of the configured program, accessing [paragraph 0325; F105, F113, F204 in figs. 49-50] the computer-readable medium device, wherein the first feature includes at least one of write capabilities [for adapting different types of mediums, such as CD-R, WORM, CD-RW, high density, standard density, hybrid disc in fig. 5A] and digital audio extraction capabilities of the computer-readable medium.

7. As to claims 3-8 and 13-18, lida et al teach the computer-readable medium comprising a compact disc, a compact disc read-write medium, a compact disc read only memory medium, a digital video disc medium, a digital video disc read-write medium, or a digital video disc read only medium [paragraphs 0064, 0397].

8. Claims 1, 3-5, 11, and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Mau et al., US patent No. 6,469,967.

As to claims 1 and 11, Mau et al teach a system for accessing a computer-readable medium device, comprising:

a computing system including a computer-readable medium device [destination CD recording device] and a computing device [PC in fig. 1] for;

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from the computer-readable medium device receiving [step 206 in fig. 4; col. 8, lines 17-22] a description of first and second features [fig. 2] of the computer-readable medium device, the first feature being other than an identification of the computer-readable medium device;

in response to the description, configuring [fig. 3; col. 7, lines 39-61] a program for managing access by the computing system to the computer-readable medium device, without relying on the identification of the computer-readable medium device; and

in response to instructions of the configured program, accessing the computer-readable medium device, wherein the first feature includes at least one of write capabilities [e.g., write speed 14x] and digital audio extraction capabilities of the computer-readable medium.

9. As to claims 3-5 and 13-15, Mau et al teach the computer-readable medium comprising a compact disc, a compact disc read-write medium, and/or a compact disc read only memory medium [col. 1, lines 21-29].

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4-8 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takihara, US patent No. 6,253,114 in view of Kondo et al., US patent No. 6,608,644.

As to claims 4-8 and 14-18, Takihara teaches the drive is an IEEE-1394 device; however, Takihara does not expressly disclose the computer-readable medium comprising a compact disc read-write medium, a compact disc read only memory medium, a digital video disc medium, a digital video disc read-write medium, or a digital video disc read only medium. Kondo et al teach a computer-readable medium of an IEEE-1394 drive having a compact disc read-write medium, a compact disc read only memory medium, a digital video disc medium, a digital video disc read-write medium, or a digital video disc read only medium. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a compact disc read-write medium, a compact disc read only memory medium, a digital video disc medium, a digital video disc read-write medium, or a digital video disc read only medium for the computer-readable medium of Ray et al in order to increase applicability of the computing device.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilwoo Park whose telephone number is (571) 272-4155. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for

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the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**ILWOO PARK
PRIMARY EXAMINER**



Ilwoo Park

June 6, 2006